

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Appln. No. 09/937,433

**REMARKS**

Claims 1-21 are all the claims pending in the application. By this Amendment, Applicants rewrite claim 5 in independent form, and amends certain claims at their own initiative for clarification and to place the claims in an American format.

**I. Form PTO 1449:**

Applicants submitted a Form PTO 1449 on September 17, 2001, together with the original application papers. The Form PTO 1449 listed the references (inclusive of FR 2 291 919) that were cited in the International Search Report (“ISR”) of the corresponding international application. An initialed copy of the Form PTO 1449 accompanied the Office Action. However, the Examiner did not initial FR 2 291 919.

*For the following reasons, Applicants respectfully request the Examiner to forward another initialed copy of the September 17, 2001 Form PTO 1449 in which FR 2 291 919 is initialed, indicating that this reference has been considered. A courtesy copy of the Form PTO 1449 is enclosed for the Examiner’s convenience.*

In this case, the NOTICE OF ACCEPTANCE OF APPLICATION (“Notice”) dated April 8, 2002, indicates that the national stage file of this application includes (1) a copy of the ISR, and (2) copies of the references cited in the ISR. Therefore, according to the examination guidelines set forth in **MPEP 1893.03(g)**, the Examiner must consider all of the documents cited in the ISR, inclusive of FR 2 291 919.

**II. Allowable Subject Matter:**

At numbered paragraph 15 of the Office Action, the Examiner allows claims 15-21.

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At numbered paragraph 16 of the Office Action, the Examiner indicates that claims 5-12 would be allowable if rewritten in independent form. To capture this allowable subject matter, Applicants rewrites claim 5, as suggested. The Examiner should allow claim 5 in the next Office Action. Claims 6-12 should also be allowed by virtue of their dependency from claim 5.

**III. Claim Rejection on Prior Art Grounds:**

The Examiner rejects claims 1-4 and 13-14 under 35 U.S.C. § 103(a) as being obvious WO 95/22413 to Plester (“Plester”) in view of U.S. 4,614,204 to Dolejs (“Dolejs”). Applicants respectfully traverse this rejection in view of the following remarks.

As amended, independent claim 1 recites (among other things):

*wherein the distribution device (18) couples each of the at least two pumps (A1, A2) to only one distinct group of treatment stations, such that only one of the pumps (A1) is connectable to only one group of treatment stations (12) and the other pump (A2) is connectable to only the other group of treatment stations (13).*

Exemplary, non-limiting embodiments of this feature are discussed throughout the specification. For example, and with reference to Fig. 1, the machine 10 includes a plurality of treatment stations 12, 13 segregated into two groups, and two pumps A1, A2, which carry out a treatment stage (i.e., a first pumping stage), respectively connected to only one of the groups of treatment stations.<sup>1</sup> To this end, the machine 10 further includes a distributor 18 that connects the pumps A1, A2 to the two groups of treatment stations 12, 13.

Turning to Fig. 4, the distributor 18 includes a stationary crown 20 with ports 40 that are connected to the pumps A1, A2, and a rotating crown 22 (which rotates together with the

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carousel 16) with two series of ports 28, 29 that respectively correspond to the two groups of treatment stations 12, 13.<sup>2</sup> Thus, as shown in Figs. 5-8, when the rotating crown 22 is rotated relative to the stationary crown 20, the series of ports 28 (and thus the group of treatment stations 12) are sequentially connected to the pump A1, while the series of ports 29 (and thus the group of treatment stations 13) are sequentially connected to the pump A2.<sup>3</sup> In this way, each of the pumps A1, A2 provides a dedicated source of pressure to only one corresponding group of treatment stations. At least this feature (as defined by claim 1), in combination with the other limitations recited in claim 1, is not taught or suggested by the prior art relied upon by the rejection grounds.

The rejection grounds rely upon Plester to teach most of the features of the present invention, except for a distribution device involving a swivel coupling. Therefore, the rejection grounds look to Dolejs to teach this feature. As a preliminary matter, Applicants amend claim 1 by altogether deleting the “*swivel coupling*” limitation. At least in this regard, the reliance upon the secondary reference to Dolejs is moot.

The rejection grounds correctly point out that Plester discloses a carousel apparatus having a plurality of treatment stations for treating hollow containers, and at least two pressure sources for respectively controlling the pressure at the treatment stations. However, the pressure sources are not associated with only one distinct group of treatments stations. The assertions in the rejection grounds to the contrary are simply incorrect.

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<sup>1</sup> Spec., p. 8, l. 13-22.

<sup>2</sup> Spec., p. 10, l. 25 – p. 11, l. 4.

<sup>3</sup> Spec., p.

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Fig. 3 of Plester depicts the apparatus implemented in a carousel type of arrangement.

Here, the apparatus includes four stations A, B, C, D at which four coating cells are respectively located.<sup>4</sup> In Fig. 3, each station A, B, C, D depicts a respective stage of the coating process.<sup>5</sup> Each station A, B, C, D includes a vacuum enclosure inclusive of a vacuum sleeve 11 and a vacuum head 13.

Importantly, each of the vacuum enclosures is connected to (1) a common distributor pipe 22 (which is in turn connected to a first vacuum source) for adjusting the pressure on the outside of the container 2, and (2) a common distributor pipe 20 (which is in turn connected to a second vacuum source) for adjusting the pressure on the inside of the container 2.<sup>6</sup> That is, in sharp contrast to the claimed invention, the first and second vacuum sources (compared by the rejection grounds to the claimed “*pressure source*” and “*at least two pumps (A1, A2)*”) provide a pressure source to all of the stations A, B, C, D of the carousel apparatus. Certainly then, the first vacuum source does not provide a source of pressure to only one group of stations A, B, C, D, and the second vacuum source does not provide a source of pressure to only another, different group of stations A, B, C, D. At least in these regards, the stations A, B, C, D are not even segregated into groups.

Turning to Dolejs, there is disclosed a device wherein the shape of the rotor is such that a same distributing device (e.g., pump, etc.) can be connected at the same time with more than one

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<sup>4</sup> Plester, p. 14, l. 30-36.

<sup>5</sup> Plester, p. 15, l. 1-14.

<sup>6</sup> Plester, p. 13, l. 35 – p. 14, l. 2.

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distinct group of stations (see Figs. 4 and 5). Thus, Dolejs does not cure the deficiencies of Plester.

For these reasons, the combination of cited references, whether taken alone or in combination, fail to arrive at claim 1. Therefore, Applicants respectfully assert that claim 1 is patentable, and that claims 2-4, 13, and 14 are patentable at least by virtue of their dependencies.

**IV. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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